



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 9

##### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

##### *Other civil enforcement measures*

#### **79 Fixed monetary penalties**

- (1) The Scottish Ministers may by order make provision about the imposition by SEPA of fixed monetary penalties on reservoir managers of controlled reservoirs in relation to offences under this Part.
- (2) Before making an order under subsection (1), the Scottish Ministers must consult in accordance with section 86.
- (3) Provision under subsection (1) must provide that—
  - (a) fixed monetary penalties may be imposed only where SEPA is satisfied beyond reasonable doubt that a reservoir manager has committed an offence under this Part,
  - (b) fixed monetary penalties are to be imposed by notice,
  - (c) the amount of the penalty which can be imposed in relation to an offence may not exceed the maximum amount of the fine that may be imposed on summary conviction for the offence.
- (4) A fixed monetary penalty is a requirement to pay to SEPA a penalty of a specified amount (with payment attracting the results mentioned in paragraphs (a) and (b) of section 81(2)).
- (5) For the purposes of this section and section 80 “specified” means specified in an order made under subsection (1).